

CHAP. 182. vision among all the parties interested, without loss and injury; and that the judges of Dorchester county court received and confirmed the report and return of the said commissioners; and that your petitioner is entitled to make his election to take or refuse the said real estate, having married the eldest heir of said deceased; and that since the determination and return of the said commissioners, your petitioner has purchased the shares of Mary, who intermarried with Hiram W. Woolford, and of Henrietta, who intermarried with Zachariah Linthicum, which two shares, thus purchased, and your petitioner's share by his wife, entitles him to, and he does own, one half the said real estate, having fully paid and satisfied the purchase money for the two shares bought in; and the petitioner fears that he shall be unable to accomplish the payment of the three shares, belonging to the minors, should he elect to take the property, and therefore will be constrained reluctantly to decline taking it, which will consequently throw the whole of said real estate into market for public sale, and it will pass from the family, who are desirous to retain a part of it at all events; Therefore,

Commissioners  
appointed to di-  
vide and sell land

1. *Be it enacted by the General Assembly of Maryland,* That the county court of Dorchester county are hereby empowered and directed, upon the application, in writing, of Levin Richardson of said county, to appoint and issue a commission to five sensible men, to be commissioners, authorising them, or a majority of them, to divide the said lands, of which said James Busick died seized as aforesaid, in two equal parts, as near as is practicable, according to quantity and quality, and to assign one half to said Levin Richardson, and to sell the other half for the benefit of the heirs who are minors, provided they do not sell the said lands for less than the sum at which it was valued by the former commissioners in their return to Dorchester county court; and the said half shall be sold by the said commissioners, or a majority of them, for money, or upon credit, and in the manner and agreeably to the terms and conditions that the court, from which the commission issued, may prescribe and direct; and no sale so to be made shall be valid until ratified by the said court, and the purchase money shall be justly divided among the several persons interested, according to their respective titles to the estate.

To take an oath

2. *And be it enacted,* That the said commissioners, or a majority of them, before they proceed to act, shall severally take an oath, or affirmation, to be annexed to the said commission, before some justice of the peace of said county, or other person authorised to administer an oath, well and faithfully to perform the duties required of them by the commission, and all duties assigned to them under this act; and that they will proceed in the execution and completion of the said commission without favour, partiality or prejudice, and according to the best of their judgment and understanding; and they shall make a return of their proceedings under this act, and the proceedings of the said court thereon shall be as directed by an act, entitled, An act to amend and reduce into one system the laws to direct descents, passed at December session eighteen hundred and twenty.